

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GARNER SMITH,

Plaintiff(s),

v.

HOME DEPOT USA, INC.,

Defendant(s).

NO. C05-1659P

ORDER ON MOTION FOR LEAVE
TO TAKE ADDITIONAL
DEPOSITIONS

The above-entitled Court, having received and reviewed:

1. Plaintiff's Motion for Leave to Take Additional Depositions and for Extension of Discovery Deadline
2. Defendant's Opposition to Plaintiff's Motion for Leave
3. Reply to Defendant's Opposition to Plaintiff's Motion for Leave

and all exhibits and declarations attached thereto, makes the following ruling:

IT IS HEREBY ORDERED that the motion is DENIED.

Discussion


The time for discovery in this matter has lapsed; Plaintiff has deposed the ten witnesses which he is permitted by the rules. Plaintiff seeks an extension of the discovery deadline and permission to depose four additional witnesses. Nowhere in his briefing does Plaintiff specifically identify why these four additional witnesses must be deposed, what information Plaintiff expects to obtain from the additional witnesses and why the testimony of the previous ten deponents is insufficient to cover the evidentiary territory with which Plaintiff is concerned. There has simply been an inadequate showing as to why the Court should grant this extraordinary form of relief.

1 At the same time, the Court wishes to respond to Defendant's argument that, since Plaintiff
2 already knew who these witnesses were, Defendant need not identify them during the course of
3 discovery. Defendant is under an obligation to identify every person with knowledge relevant to the
4 litigation, to the extent it is aware of them. That obligation extends to every person, not only the
5 persons that Plaintiff may not have been aware of. That error was corrected when nine of the
6 witnesses identified were deposed.

7 Plaintiff's motion will therefore be DENIED.

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9 The clerk is directed to provide copies of this order to all counsel of record.

10 Dated: August 30, 2006

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12 Marsha J. Pechman
13 United States District Judge
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Order to Dismiss Indictment

ORDER ON MOTION TO TAKE

26 CR-06-240-MJP/Adriana Santana